

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON APPLICATION FOR APPROVAL  
OF THE REDEVELOPMENT PROJECT AND CONSENT TO THE  
FORMATION OF WARREN GARDENS, INC.

A. The Hearing. A public hearing was held at 2:00 P.M. on September 16, 1965, in the offices of the Boston Redevelopment Authority (hereinafter called "the Authority") at 73 Tremont Street, Boston, Massachusetts, by the Authority on an Application and First Amendment thereto (hereinafter together called "the Application") filed by Ernest Henderson, Robert M. Morgan, William J. Furlong, Carleton Huneman and Richard P. Chapman (hereinafter called "the Applicants") for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960 (hereinafter called "the Project"), and for consent to the formation of Warren Gardens, Inc., a corporation to be organized under the provisions of said Chapter 121A for the purpose of undertaking and carrying out the Project, due notice of said hearing having been given previously by publication on August 30, 1965, and September 7, 1965, in the Boston Herald and Traveler, the Boston Globe, and Boston Record American,

daily newspapers of general circulation published in Boston, and mailing, postage prepaid, in accordance with Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 13 of Chapter 652 of the Acts of 1960. Msgr. Francis J. Lally, Chairman of the Authority, and James G. Colbert and George Condakes, members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of the purchase by Warren Gardens, Inc. of Washington Park Urban Renewal Area Disposition Parcels B-2 and C-1, (hereinafter called "the Project Area"), and the construction, operation and maintenance thereon of row houses consisting of approximately 187 dwelling units with appurtenant facilities including landscaping, walks, driveways, and such off-street parking facilities as, when added to those future on-street parking facilities to be provided by the City of Boston within the Project Area, will provide 187 parking spaces. Said Parcel B-2 is shown on plan of land entitled "Plan of land in Boston Delivery Parcel B-2 of Washington Park Urban Renewal Area Project

No. Mass. R-24" prepared by Fay, Spofford and Thorndike, Inc. Said Parcel C-1 is shown on plan of land entitled "Plan of Land in Boston Delivery Parcel C-1 of Washington Park Urban Renewal Area Project No. Mass. R-24" prepared by Fay, Spofford and Thorndike, Inc. (Exhibit A-1 of the Application)

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority have also viewed the Project Area.

D. The Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of said Chapter 121A, Section 1, providing, as it does, for the construction, operation and maintenance of decent, safe and sanitary residential buildings in part of a larger area which was previously declared to be a substandard and decadent area under Chapter 121 of the General Laws by the Authority on January 16, 1963. This finding

was concurred in by the Boston City Council in its resolution approving the Washington Park Urban Renewal Plan, and by the State Housing Board, and the Project was taken by the Authority by eminent domain in part on December 5, 1962, and by purchase in part on January 12, 1965, in furtherance of said Urban Renewal Plan.

Conditions exist which warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws and the Application constitutes a "project" within the meaning of that law. As stated above, the Project Area is included within a larger area which the Authority has already found to be substandard and decadent under the provisions of Chapter 121 and has been taken by eminent domain. The purposes of Chapter 121A and Chapter 652 of the Acts of 1960 will be met by the carrying out of the Project as it will provide desirable housing accommodations for moderate income families, especially those with children, of which there is a serious shortage in Boston.

E. Cost of the Project. In the opinion of the Authority, the cost of the project has been

realistically estimated in the Application and the project is practicable. The Applicants have been invited to submit formal application to the Federal Housing Administration for mortgage insurance under Section 221(d) (3) of the National Housing Act. All of the funds which will be required in addition to those obtained from the Federal Housing Administration mortgage financing are already available to the Applicants. Simultaneously with the execution of the Land Disposition Agreement between the Authority and Warren Gardens, Inc., Warren Gardens, Inc. will deposit with the Authority 20% of the purchase price for the Project Area and the balance of said purchase price will be paid simultaneously with the conveyance of the Project Area by the Authority to Warren Gardens, Inc.

F. Master Plan. The Project does not conflict with the Master Plan of the City of Boston. In resolutions adopted by the Authority on March 15, 1963, in approving the Washington Park Urban Renewal Plan, it was found and determined that such Urban Renewal Plan conforms to the Master Plan, as amended, for the locality. The Project conforms to the Washington Park Urban Renewal Plan.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will in fact forward the best interests of the City and will constitute a public use and benefit. The structures to be erected under the Project are attractive and efficiently designed row houses with ample light and air and appurtenant green spaces and will enhance the general appearance of the Area and furnish attractive and necessary accommodations for families of moderate income.

The Project will result in a substantial financial return to the City of Boston, inasmuch as under the terms of the contract to be executed between the City and Warren Gardens, Inc. there will be payable to the City the amount by which 15% of the gross income of the Project exceeds the excise tax payable under Section 10 of Chapter 121A.

The carrying out of the Project will not of itself involve the destruction or rehabilitation of buildings occupied in whole or in part as dwellings, since such

demolition has been completed by the Authority in carrying out its Urban Renewal Plan referred to above. All of the families formerly resident in the Project Area have already been satisfactorily relocated. The Project will provide approximately 187 new dwelling units within the Project Area.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Minimum Standards. The minimum standards for financing, construction, maintenance and management of the Project as set forth in Exhibit E filed with and attached to the Application are hereby adopted and imposed as rules and regulations (in addition to those hereinafter adopted and imposed) applicable to the Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960. The Authority hereby approves any financing made pursuant to Paragraph 8 of the Application which is insured by the Federal Housing Administration notwithstanding that the amount thereof is in excess of 90% of the estimated cost of the Project.

The carrying out of the Project will not require the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than fifty pupils, or as a public or private hospital having more than twenty-five beds, or as a church.

To the extent that the Project involves the construction of units which constitute a single building under the Boston Building Code and zoning law, the Authority declares such units separate buildings for the purposes of Chapter 138 of the General Laws.

I. Deviations. Exhibit D filed with and attached to the Application, sets forth the permissions requested for the Project to deviate from zoning and other regulations in effect in the City of Boston. At the hearing, the Applicants withdraw the requests set forth in Paragraph IV, 3 and 4 of Exhibit D, and accordingly, these deviations are not granted.

Each of the permissions requested in Paragraphs IA 1 (a)-(e) inclusive, IA 2(a) and (b), IA 3, IA 4, IA 5, IV 1, IV 2, IV 5, and IV 8 is hereby granted.

1) With reference to Paragraph IV 6 of said Exhibit D, for the reasons set forth in the Application and supporting documents, including said Exhibit D, and in the evidence presented at the hearing, there would appear to be no reason the 8-inch masonry party walls between each building within each row should not be considered "non-bearing walls" within the meaning of Section 106 of the Boston Building Code even though certain incidental loads are transmitted to those walls. Insofar as said walls might be considered not to be "non-bearing walls", the Authority hereby permits a deviation from Section 1406(f) of the Boston Building Code so as to allow the Applicants to use an 8-inch masonry wall between each building in each row.

2) With reference to Paragraph IV 7 of said Exhibit D, for the reasons set forth in the Application and supporting documents, including said Exhibit D, and in the evidence presented at the hearing, insofar as the proposed buildings might be construed to have more than one-family above the first story within the meaning of Section 1101 (c) of the Boston Building Code, the Authority hereby

permits deviations from the requirements of said Section 1101(c) so as to permit the use in all of the buildings of walls and ceilings having less than one-hour separation under the Boston Building Code, provided that all such walls and ceilings have a one-hour separation under Underwriter's Laboratories standards.

For the reasons set forth in the Application and supporting documents, including said Exhibit D, and in the evidence presented at the hearing, and in this report, the Authority hereby finds that each and every one of the granted permissions is reasonably necessary for the carrying out of the Project and may be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances or regulations, respectively; the Authority is also satisfied, by reliable and generally accepted tests, or by experience in other cities, that the other designs, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, including Exhibit D, and in the evidence presented at the hearing will sufficiently satisfy the purpose for which it or they are to be

used and the purposes of the applicable laws, codes, ordinances, or regulations, respectively.

The Authority hereby finds that the Application and the Project conform to and comply with each and every applicable requirement of Chapter 121A of the General Laws, Chapter 652 of the Acts of 1960, and the applicable Rules and Regulations of the Authority, and the Authority, for these reasons and for the reasons set forth in the Application and supporting documents, including Exhibit D, and the evidence presented at the hearing, and in this report, hereby approves the Project and consents to the formation of Warren Gardens, Inc., as requested in the Application, and consents to the filing of the Articles of Organization for such corporation substantially in the form annexed to said Application.

